

The Honorable Karen L. Strombom

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEN ARONSON,)	No. 3:10-CV-05293-KLS
)	
Plaintiff,)	DECLARATION OF L. KEITH
)	GORDER, JR., IN SUPPORT OF
v.)	DEFENDANT'S MOTION FOR
)	ATTORNEYS' FEES AND COSTS
DOG EAT DOG FILMS, INC.,)	
)	NOTE ON MOTION
Defendant.)	CALENDAR: OCTOBER 8, 2010
)	
)	
)	

I, L. Keith Gorder, Jr., declare as follows:

1. I am the Chief Operating Officer of Davis Wright Tremaine LLP (DWT), and I have held this position for fourteen years. The statements in this declaration are made on my personal knowledge, and are true and correct to the best of my knowledge and understanding. I am competent to testify to them.

2. Part of my job is to manage the process of setting billing rates for personnel who work at DWT and to determine which charges to pass onto clients. In the course of setting these rates and policies, I evaluate our rates and policies against the rates and

1 policies of other law firms in Seattle – particularly those of comparable size, expertise, and
2 reputation.

3 3. The billing rates as of January 1, 2010, for attorneys at DWT were generally
4 near the midpoint of the range of rates as compared to fifteen other large peer firms with
5 either their headquarters or branch offices in Seattle, as measured by independently
6 compiled survey data. The billing rate for partner Bruce E.H. Johnson, who graduated
7 from law school in 1977 and has been practicing for approximately thirty three years, was
8 \$505 as of January 1, 2010. The median peer rate in the survey for partners practicing
9 between 31 and 35 years was \$475, the first quartile was \$514. The billing rate for Noelle
10 H. Kvasnosky, who graduated from law school in 2007, was \$265 as of January 1, 2010.
11 The median peer survey rate for associates of this tenure was \$267. The rate for paralegal
12 Jennifer Chermoshnyuk was \$175, the median peer rate for paralegals was \$185. These
are the rates that we customarily charge clients.

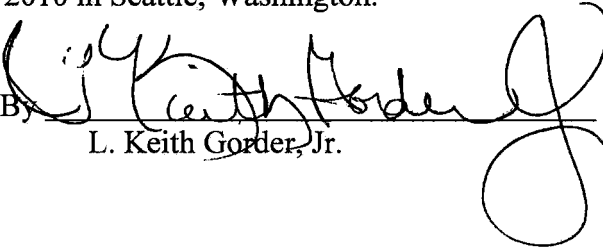
13 4. In this instance, DWT has been engaged by Defendant at a blended rate of
14 \$340 for Mr. Johnson and Ms. Kvasnosky's services. This blended rate reflects the relative
15 experience of Mr. Johnson and Ms. Kvasnosky and how the activities associated with
16 research are most efficiently undertaken. For instance, in connection with the Motion to
17 Strike for which fees are sought, Ms. Kvasnosky worked 90.9 hours and Mr. Johnson
18 worked 32.1 hours. Based upon this proportion of work performed multiplied by the
19 standard rates the weighted rate would be \$328, 3.6% lower than the blended rate charged
of \$340.

20 5. DWT's policies regarding which costs and expenses to pass onto clients are
21 typical of other law firms in Seattle, and in some cases are more generous than such firms.
22 DWT typically charges clients for copying expenses, travel expenses, expert fees,
23 computerized research service, and in-house messenger services. The prices that DWT
charges for those items are typical compared to other Seattle firms. DWT, in contrast to

1 some other firms, does not bill clients for long distance phone calls, and DWT bills for
2 computerized legal research at "cost" instead of marking up such expenses.

3
4 I declare under penalty of perjury under the laws of the United States that the
5 foregoing is true and correct.

6 DATED this 22nd day of September, 2010 in Seattle, Washington.

7
8 By 
9 L. Keith Gorder, Jr.